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DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions	
1	MEMO	ROBERTS TO FIELDING RE RAILROAD RETIREMENT BOARD (PARTIAL)	2	12/6/1983	B6	638
2	MEMO	FIELDING TO BECKY NORTON DUNLOP RE RAILROAD RETIREMENT BOARD (PARTIAL)	2	12/6/1983	B6	639

Freedom of Information Act - [5 U.S.C. 552(b)]

- B-1 National security classified information [(b)(1) of the FOIA]
- B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- B-3 Release would violate a Federal statute [(b)(3) of the FOIA]
- B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
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- B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
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THE WHITE HOUSE

WASHINGTON

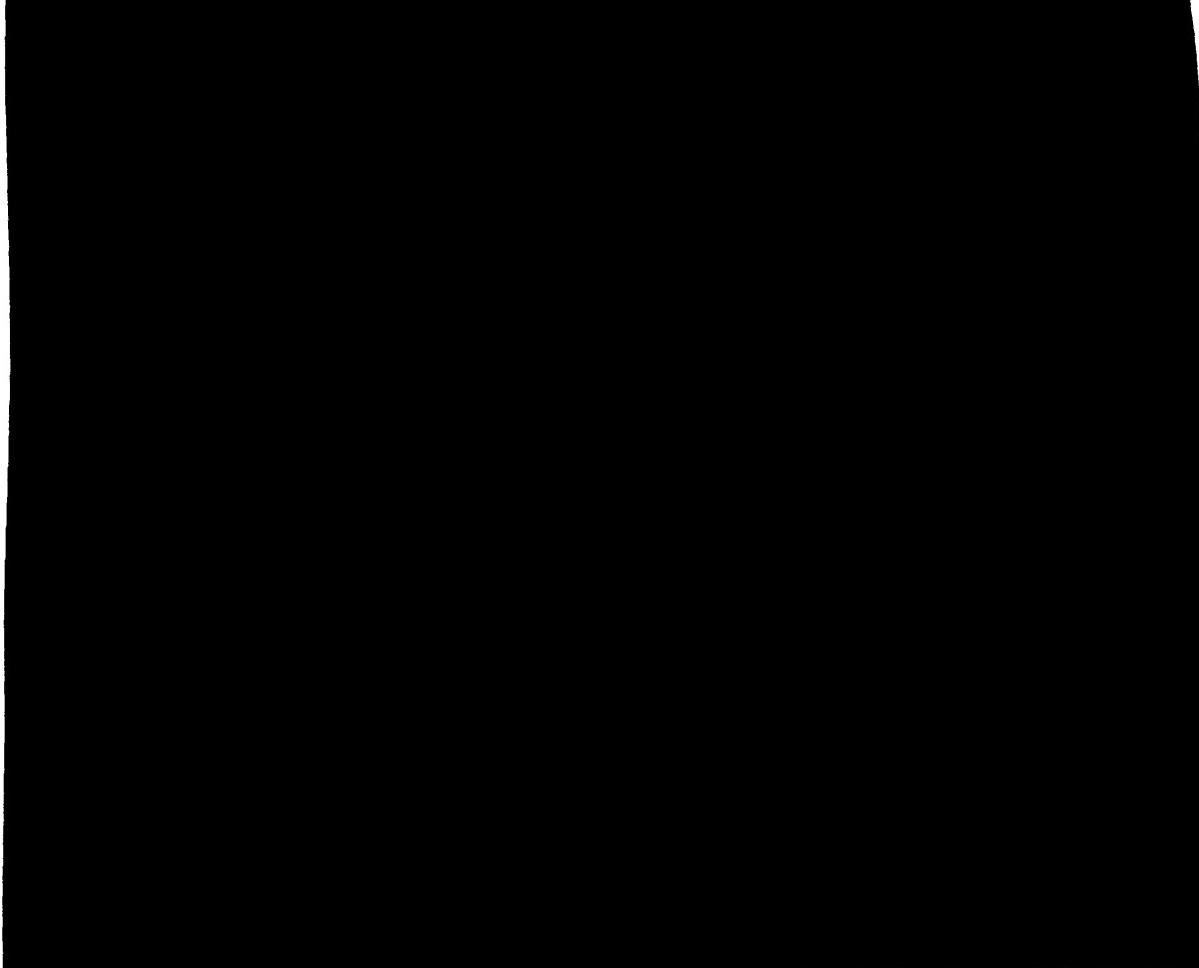
December 6, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Railroad Retirement Board

On November 4, 1983 Becky Norton Dunlop alerted us to a potential problem with an appointment to the Railroad Retirement Board. As I explained in my memorandum to you of November 7, the President appoints the three members of the Board, by and with the advice and consent of the Senate. One member is appointed from recommendations by representatives of employees and one from recommendations by representatives of carriers. The carriers have recommended



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[REDACTED]

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our previous advice concerning the
President's authority.

Attachment

THE WHITE HOUSE
WASHINGTON

December 6, 1983

MEMORANDUM FOR BECKY NORTON DUNLOP
DEPUTY ASSISTANT TO THE PRESIDENT
PRESIDENTIAL PERSONNEL

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT
SUBJECT: Railroad Retirement Board

On November 4, 1983, you asked our advice concerning the authority of the President to nominate members of the Railroad Retirement Board. Specifically, you asked whether the President could nominate [REDACTED]

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John Roberts of this office advised you on November 9 that the President need not proceed with [REDACTED] nomination, and that if your office wanted to nominate someone else you should solicit new recommendations from representatives of employers, as provided in 45 U.S.C. § 231f(a). That statute specifies that the President shall appoint the three members of the Board, by and with the advice and consent of the Senate, and that:

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One member shall be appointed from recommendations made by representatives of the employees and one member shall be appointed from recommendations made by representatives of employers as defined in paragraph (i) of section 231(a)(1) of this title, in both cases as the President shall direct, so as to provide representation on the Board satisfactory to the largest number, respectively, of employees and employers concerned.

[REDACTED]

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We reiterate our advice that the President is not required
to nominate [REDACTED]

[REDACTED]

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IFF:JGR:aea 12/6/83
cc: FFFielding/JGRoberts/Subj/Chron